

HOUSE BILL 2269

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 7, relative to intercollegiate athletics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 21, is amended by adding the following language as a new, appropriately designated section:

49-7-21__.

(a) As used in this section, "student athlete" means a student at a public or private institution of higher education who receives an athletic scholarship from the institution as a result of the student's athletic prowess and who competes in intercollegiate athletics. "Student athlete" also includes a student whom the institution is recruiting to play in intercollegiate athletics and to whom the institution intends to grant an athletic scholarship.

(b)

(1) In addition to the legal remedies provided to an educational institution under § 49-7-2137, an educational institution has a civil cause of action against a coach or booster whose conduct results in injury to the institution because of penalties, sanctions, disqualifications or suspensions imposed on the institution, its athletic programs or its student athletes by a national association for the promotion and regulation of athletics, by an athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by the organization.

(2) An educational institution that prevails in a suit brought under this section may recover:

(A) Actual damages, including losses and expenses incurred as the result of the conduct of the coach or booster;

(B) Punitive damages;

(C) Court costs;

(D) Reasonable attorney's fees; and

(E) Treble damages for any conduct of a coach or booster that results in any ineligibility of a student athlete to compete, in an amount equal to three (3) times the value of the athletic scholarship furnished by the institution to the student athlete during the student athlete's period of eligibility or three (3) times the value of the athletic scholarship that would have been furnished by the institution, but for the institution's loss of scholarships, to a student athlete it was recruiting.

(3) An action under this subsection shall be commenced by the aggrieved institution within three (3) years of the date damages to the institution resulting from injury caused by a coach or booster are discovered or reasonably should have been discovered, whichever date is sooner.

(c)

(1) A student athlete shall have a civil cause of action against a coach, agent of the institution, another student athlete, booster or athlete agent whose conduct injures the student athlete because penalties, sanctions, disqualifications or suspensions imposed on the institution, its athletic programs or its athletes by a national association for the promotion and regulation of athletics, by an athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by the organization result in limitations on the student athlete's ability to participate in the student's intercollegiate sport,

including, but not limited to, the institution's loss of scholarships, inability to participate in bowl games or tournaments or to appear in televised athletic events.

(2) A student athlete who prevails in a suit brought under this section may recover:

(A) Actual damages;

(B) Punitive damages;

(C) Court costs

(D) Reasonable attorney's fees; and

(E) Treble damages for any conduct of a coach, agent of the institution, another student athlete, booster or athlete agent that results in inability of the student athlete to compete in the student's sport at the institution due to failure to receive an athletic scholarship, in an amount equal to three (3) times the value of the athletic scholarship that would have been furnished by the institution to the student athlete during the student athlete's period of eligibility.

(3) An action under this subsection shall be commenced by the aggrieved student athlete within three (3) years of the date damages to the athlete resulting from injury caused by a coach, agent of the institution, another student athlete, booster or athlete agent are discovered or reasonably should have been discovered, whichever date is sooner.

(d) This section does not restrict rights, remedies or defenses of any person under law or equity.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.